

REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: November 13, 2017

ANALYST: Michael-Ann Henry

I. COMMITTEE:

Warrior PAC
C00619445
Robert San Luis, Treasurer
PO Box 83424
Baton Rouge, LA 70884

II. RELEVANT STATUTE:

52 U.S.C. § 30104(g)(2)
11 CFR §104.4(b)(2)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to File 48-Hour Reports)

Warrior PAC ("the Committee") failed to timely file two (2) 48-Hour Reports supporting two (2) independent expenditures totaling \$308,662.40 disclosed on the 2016 October Quarterly Report, made up to and including the 20th day before the 2016 General Election (Attachment 2). The Committee also failed to timely file two (2) 48-Hour Reports supporting two (2) independent expenditures totaling \$296,000.00 disclosed on the 2016 12 Day Pre-General Report, made up to and including the 20th day before the 2016 General Election (Attachment 3).

2016 October Quarterly Report

On October 14, 2016, the Committee filed its 2016 October Quarterly Report, covering the period from July 1, 2016 through September 30, 2016, which included a Schedule E (Itemized Independent Expenditures) disclosing three (3) independent expenditures totaling \$316,627.30, made in support of one (1) federal candidate. The Committee failed to file two (2) 48-Hour Reports to support two (2) independent expenditures totaling \$308,662.40 for the 2016 General Election (Image 201610149032536622).

On February 9, 2017, a Request for Additional Information (RFAI) was sent to the Committee referencing the 2016 October Quarterly Report. The RFAI noted that the Committee may have failed to file one or more of the required 48-Hour Reports regarding independent expenditures (Images 201702100300077647-49).¹

On March 14, 2017, the Committee filed an amendment to the 48-Hour Report of Independent Expenditures received on March 8, 2017. The report included the two (2) missing independent expenditures totaling \$308,662.40 designated to the 2016 General Election. The report also included memo text which stated:

“Upon phone discussion with FEC Analyst Ms. Henry, we have now discovered the nature of our filing actions regarding the three transactions listed on her letter FEC-1107528. These transactions were not filed due to instructions found on www.fec.gov at http://classic.fec.gov/info/charts_ie_dates_2016.shtml. This appears to require 48 hour reports only from 10/19 in the period known in Louisiana as the Louisiana General. If there was contractictory [sic] guidance, we were not aware of it. The expenditures were included in the quarterly preceding that 10/19 date. Ms. Henry's additional helpful guidance has allowed us to properly determine the nature of these transactions, we have ammended [sic] this report reflective of a reporting date of 2/15/2017 which is the first day we received indication that a report may have been required, if it was. Again our guidance was http://classic.fec.gov/info/charts_ie_dates_2016.shtml and we were unaware if there was contradictory guidance. We are additionally filing a report today for the Facebook expenditure mentioned is Ms. Henry's letter today in case it was required but our guidance for this was also as above and we were unaware of any contractictory [sic] guidance for it also. We appreciate the time Ms. Henry has spent with us to help clarify these transactions” (Image 201703149050832467).

On March 15, 2017, the Reports Analysis Division (RAD) Analyst called the Committee's Treasurer, Robert San Luis, regarding the Committee's response to the RFAI for the 2016 October Quarterly Report. The Analyst explained that the response was inadequate and could be referred to another office within the Commission for potential further action. Mr. San Luis expressed some confusion with the chart on the FEC website showing the 24- and 48-Hour reporting periods. The Analyst clarified that the chart shows when the 48-Hour reporting period ends, and referenced the regulations, CFR 104.4(b)(2) and (c) before ending the call (Attachment 4).

2016 12 Day Pre-General Report

On October 25, 2016, the Committee filed its 2016 12 Day Pre-General Report, covering the period from October 1, 2016 through October 19, 2016, which included a Schedule E disclosing two (2) independent expenditures totaling \$296,000.00, made in support of one (1) federal candidate. The Committee failed to

¹ The RFAI inadvertently questioned the independent expenditure totaling \$7,964.92 disseminated to Facebook on 9/22/2016. This independent expenditure is not included in this referral because, upon further review, it was determined that a 48-Hour Report was not required.

file two (2) 48-Hour Reports to support two (2) independent expenditures totaling \$296,000.00 for the 2016 General Election (Image 201610259034580508).

On February 9, 2017, an RFAI was sent to the Committee referencing the 2016 12 Day Pre-General Report. The RFAI noted that the Committee may have failed to file one or more of the required 48-Hour Reports regarding independent expenditures (Images 201702100300077650-2).

On February 15, 2017, the Committee filed one (1) 48-Hour Report to support two (2) independent expenditures, totaling \$296,000.00, disseminated between October 12, 2016 and October 16, 2016. On the report, the Committee included memo text which stated:

“These transactions were apparently *[sic]* not successfully transmitted to committee at the time of this electronic filing as no record of this report exists online. Report was prepared 10/12/2016” (Image 201702159049696488).

On March 8, 2017, the RAD Analyst called the Committee to acknowledge that the Committee’s RFAI response had been received and explained that the response is considered inadequate and could be referred to another office within the Commission for potential further action. The RAD Analyst advised the Committee to ensure the information was correct and to include as much information as possible about the situation in future filings (Attachment 4).

Also on March 8, 2017, the Committee filed an amendment to the 48-Hour Report received on February 15, 2017, updating the amount for one independent expenditure. On the report, the Committee included memo text which stated:

“These transactions were apparently *[sic]* not successfully transmitted to committee at the time of this electronic filing as no record of this report exists online. Report was prepared 10/12/2016. Ammendment *[sic]* reflects correct payment amount of 200,000.00 to Cambridge Analytica” (Images 201703089050759921-2).

On March 14, 2017, the Committee’s Treasurer, Robert San Luis, called the RAD Analyst to clarify if there were outstanding issues with his response to the RFAI before the response deadline, which was March 16, 2017. The RAD Analyst reiterated to Mr. San Luis that although the Committee filed the missing 48-Hour Reports, the response is considered inadequate and the Committee cannot terminate until the issue is resolved (Attachment 4).

To date, no further communications have been received from the Committee regarding these matters.

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Cmte. ID: C00619445 Cmte. Name: WARRIOR PAC
 Treasurer Name: SAN LUIS, ROBERT Address: PO BOX 83424, BATON ROUGE, LA 70884
 Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER

Receipt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans
3/8/2017	1	201703089050760104									
3/14/2017	1	201703149050832511									
4/7/2017	1	201704079052048295									
4/7/2017	1	201704079052048392									
3/8/2017	2	201703080300082286	1/1/2017	1/10/2017	3/8/2017						
1/10/2017	6	201701109041354406	1/1/2017	1/10/2017		\$4,147	\$0	\$4,147	\$0		
3/9/2017	7	201703099050761956	1/1/2017	1/10/2017		\$4,147	\$0	\$4,147	\$0		
7/11/2017	6	201707119066584610	1/11/2017	6/30/2017		\$0	\$0	\$0	\$0		
2/15/2017	2	201702159049696488									
3/8/2017	2	201703089050759921									
3/14/2017	6	201703149050832467									
3/14/2017	3	201703149050832508						\$0	\$4,147		

O-Index (2015-2016)

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 Treasurer Name: SAN LUIS, ROBERT Address: PO BOX 83424, BATON ROUGE, LA 70884
 Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER

Receipt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans
2/9/2017	3	201702100300077647	7/1/2016	9/30/2016	2/9/2017						
2/9/2017	3	201702100300077650	10/1/2016	10/19/2016	2/9/2017						
3/15/2017	2	201703160300082682	10/20/2016	11/28/2016							
7/15/2016	7	201607159020670882	4/1/2016	6/30/2016		\$0	\$10,100	\$290	\$9,809		
10/14/2016	12	201610149032536613	7/1/2016	9/30/2016		\$9,809	\$448,600	\$345,100	\$113,309		
10/25/2016	8	201610259034580502	10/1/2016	10/19/2016		\$113,309	\$201,000	\$296,106	\$18,202		
12/5/2016	12	201612059037634816	10/20/2016	11/28/2016		\$18,202	\$73,000	\$89,322	\$1,880		
4/10/2017	12	201704109052054836	10/20/2016	11/28/2016		\$18,202	\$73,000	\$89,322	\$1,880		
1/10/2017	11	201701109041352576	11/29/2016	12/30/2016		\$1,880	\$60,000	\$57,733	\$4,147		
4/7/2017	11	201704079052047578	11/29/2016	12/30/2016		\$1,880	\$60,000	\$57,733	\$4,147		
1/10/2017	5	201701109041354382	12/31/2016	12/31/2016		\$4,147	\$0	\$0	\$4,147		
4/7/2017	5	201704079052048387	12/31/2016	12/31/2016		\$4,147	\$0	\$0	\$4,147		
6/8/2016	4	201606089017489770									
11/4/2016	1	201611049037115080									
11/2/2016	1	201611029037018268									
11/8/2016	3	201611089037137732									
7/6/2016	5	201607069020363417									
12/9/2016	3	201612099040603055									
12/8/2016	1	201612089040083200					\$792,700	\$788,552			

O-Index (2013-2014)

Cmte. ID: C00619445 Cmte. Name: WARRIOR PAC
 Treasurer Name: SAN LUIS, ROBERT Address: PO BOX 83424, BATON ROUGE, LA 70884

Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts
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No records were found for this cycle.

Warrior PAC (C00619445)
2016 October Quarterly Report, received 10/14/2016

48-Hour Reports Not Filed

Name of Payee	Date of Dissemination (Schedule E)	Expenditure Amount	Candidate Supported	State and Date of Election	48-Hour Report Filed
Digital Triumph	9/17/2016	\$108,662.40 <i>48-Hour Report Required</i>	MANESS, ROBERT L COL. RET	Louisiana - 2016 General (11/8/2016)	3/14/17
Cambridge Analytica	9/19/2016	\$200,000.00 <i>48-Hour Report Required</i>	MANESS, ROBERT L COL. RET	Louisiana - 2016 General (11/8/2016)	3/14/17
	Total	\$308,662.40			

Warrior PAC (C00619445)

2016 12 Day Pre-General Report, received 10/25/2016

48-Hour Reports Not Filed

Name of Payee	Date of Dissemination (Schedule E)	Expenditure Amount	Candidate Supported	State and Date of Election	48-Hour Report Filed
Cambridge Analytica	10/12/2016	\$280,000.00 <i>48-Hour Report Required</i>	MANESS, ROBERT L COL. RET	Louisiana - 2016 General (11/8/2016)	2/15/17
Digital Triumph	10/16/2016	\$16,000.00 <i>48-Hour Report Required</i>	MANESS, ROBERT L COL. RET	Louisiana - 2016 General (11/8/2016)	2/15/17
	Total	\$296,000.00			

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